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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,948	10/04/2000	Jeffrey Benson	SF025001	7864

7590 06/08/2007

Xin Wen  
2800 Bridge Parkway  
Redwood City, CA 94065

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/08/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Communication Re: Appeal</b>	Application No.	Applicant(s)	
	09/679,948	BENSON ET AL.	
	Examiner	Art Unit	
	Motilewa Good-Johnson	2628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

1.  The Notice of Appeal filed on \_\_\_\_\_ is not acceptable because:
- (a)  it was not timely filed.
  - (b)  the statutory fee for filing the appeal was not submitted. See 37 CFR 41.20(b)(1).
  - (c)  the appeal fee received on \_\_\_\_\_ was not timely filed.
  - (d)  the submitted fee of \$\_\_\_\_\_ is insufficient. The appeal fee required by 37 CFR 41.20(b)(1) is \$\_\_\_\_\_.
  - (e)  the appeal is not in compliance with 37 CFR 41.31(a)(1) in that no claim has been twice rejected.
  - (f)  a Notice of Allowability, PTO-37, was mailed by the Office on \_\_\_\_\_.
2.  The appeal brief filed on 09/01/2006 is NOT acceptable for the reason(s) indicated below:
- (a)  the brief and/or brief fee is untimely. See 37 CFR 41.37(a).
  - (b)  the statutory fee for filing the brief has not been submitted. See 37 CFR 41.20(b)(2).
  - (c)  the submitted brief fee of \$\_\_\_\_\_ is insufficient. The brief fee required by 37 CFR 41.20(b)(2) is \$\_\_\_\_\_.

**The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. See 37 CFR 41.37(a)(1). Extensions of time may be obtained under 37 CFR 1.136(a). See 37 CFR 41.37(e).**

3.  The appeal in this application is DISMISSED because:
- (a)  the statutory fee for filing the brief as required under 37 CFR 41.20(b)(2) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
  - (b)  the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
  - (c)  a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on \_\_\_\_\_.
  - (d)  other: \_\_\_\_\_.
4.  Because of the dismissal of the appeal, this application:
- (a)  is abandoned because there are no allowed claims.
  - (b)  is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
  - (c)  is before the examiner for consideration.



**KEE M. TUNG  
SUPERVISORY PATENT EXAMINER**

(v) Summary of claimed subject matter. A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The independent claim(s) must be mapped to the disclosure, including specification page and line number, and, if applicable, drawing reference characters.

Correction is required. MPEP § 1205.03 states:

When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and §711.02(b).